

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

November 26, 2001

Re: Turnagain Arm 45
Reference No: 2-991212

RECEIVED

NOV 28 2001
REGULATORY BRANCH
Alaska District, Corps of Engineers

Mr. Jack Hewitt
U.S. Army Corps of Engineers
Alaska District
Regulatory District (1145b)
PO Box 898
Anchorage, Alaska 99506-0898

Dear Mr. Hewitt:

The Department of Transportation and Public Facilities (ADOT&PF) has reviewed the proposed electrical transmission line inter-tie between the Kenai Peninsula and the City of Anchorage. The preferred alternative presented in the Application for Permit has the potential for impacting all three trail alternatives for the South Extension of the Coastal Trail.

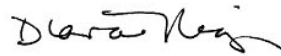
Further, conflicts with overhead cable, underground cable, submarine cable and transition stations would occur at the following locations presented in the Draft Environmental Impact Statement:

1. Point Campbell/Kincaid Park (Routes D & N)
2. Victor Road/Klatt Road (Routes G and J)
3. Oceanview Park/ARRC Corridor (Routes H and K)
4. Potter Marsh/Old Seward Highway (Routes I and M)

Exact location of this electrical transmission line inter-tie would have to be carefully coordination with the Department, because of our inherent interest and potential impacts to our facilities.

Thank you for the opportunity to comment on this permit application.

Sincerely,


for Jennifer Wilson, AICP
Regional Planning Manager

SLC:hh

cc: Jim Childers, P.E., Preliminary Design & Environmental
Diana Rigg, AICP, Transportation Planner
Bill Strickler, Chief, Utilities

8A Refer to comment response 11A – Alaska Department of Transportation and Public Facilities letter (12/04/01).

8A

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

☒ SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470/FAX: (907) 269-3981

☐ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-3829

December 5, 2001

Lawence R. Wolfe
Senior Environmental Protection Specialist
USDA, Rural Utilities Service
Engineering and Environmental Staff, Room 2240
1400 Independence Ave. SW, Stop 1571
Washington, DC 20250-1571

Dear Mr. Wolfe

SUBJECT: Southern Intertie Project
Draft Environmental Impact Statement (DEIS)
Alaska Coastal Management Program - Preliminary Comments

The Division of Governmental Coordination (DGC) has coordinated a State agency review of the Draft Environmental Impact Statement (DEIS), including the US Army Corp of Engineers (COE) permit public notice Turnagain Arm 45. The US Department of Agriculture Rural Utilities Service (RUS), in cooperation with the US Fish and Wildlife Service and the COE, has prepared the DEIS to satisfy the requirements of the National Environmental Policy Act (NEPA).

BACKGROUND

The NEPA document is necessary, in part, because the applicant (Intertie Participants Group) has filed for a right of way across the Kenai National Wildlife Refuge (KNWR) to construct a 138kV transmission line and associated facilities between the Soldotna Substation on the Kenai Peninsula and the International Substation in Anchorage. The DEIS examines three alternatives in detail: the no action; the applicant's proposal of constructing a new 73-mile-long transmission line between the Kenai Peninsula and Anchorage along and adjacent to the existing Enstar pipeline route through the KNWR; and the alternative of constructing a new line between the Kenai Peninsula and Anchorage along the Tesoro pipeline route. The two action alternatives would require permits subject to review for consistency with the Alaska Coastal Management Program (ACMP). No State or federal agency can issue an authorization before DGC issues the final consistency determination. The DGC will coordinate a consistency review upon receipt of a

signed consistency certification statement and supporting information, and publishing of all necessary public notices.

The DGC has coordinated this review to preliminarily address potential ACMP consistency issues of this project as well as issues related to the Alaska National Interest Lands Conservation Act (ANILCA). The comments in this letter do not necessarily represent a consensus among review participants and thus are organized to first, provide State of Alaska agency comments, followed by comments of the Municipality of Anchorage and Kenai Peninsula Borough coastal districts, and then finish with ANILCA-related comments.

STATE AGENCY COMMENTS

The Alaska Department of Fish and Game (ADF&G) considers that the placement of the transmission line along the Enstar Route will have significantly more fish and wildlife impacts than the placement of the line along the Tesoro Route. Route segments A and C are the alternative route segments that will have the least impact to fish and wildlife resources. The ADF&G is also concerned that the DEIS does not adequately address potential impacts and permitting requirements for the submarine routes within the Anchorage Coastal Wildlife Refuge.

The development of the Enstar route would likely have relatively more detrimental impacts on brown bears. The Interagency Brown Bear Study Team (IBBST) has recommended against the Enstar route due primarily to habitat fragmentation and human access to the developed transmission line corridor. Brown bears require large expanses of unfragmented habitat and the Enstar corridor bisects the seasonal migratory routes of brown bears moving between mountain and lowland habitats. The development of the Enstar transmission line route would likely result in increased human access to the brown bear habitat which may increase the number of brown bears killed in defense of life or property.

Waterbirds will also be subjected to impacts by the location of the transmission line in areas adjacent to waterfowl concentration areas, such as the Chickaloon Flats and the Anchorage Coastal Wildlife Refuge. The Enstar route will cross the eastern portion of Chickaloon Flats, which is heavily utilized by waterbirds as a spring and fall staging area as well as a nesting concentration area. Limiting construction activities in the Chickaloon Flats to the period from October 15 through April 1 will mitigate construction impacts, however; waterbirds will be susceptible to an increased frequency of collisions with transmission lines, guy wires, static lines and towers for the life of the project because these structures will be elevated above the surrounding terrain.

The Enstar route has more anadromous fish streams within the corridor when compared with the Tesoro route. The ADF&G recommends that all stream crossings, regardless of route selection, be conducted on permanent bridges placed to accommodate construction traffic and all future traffic by maintenance vehicles or general motorized vehicle use by the public.

9A Further explanation on RUS's preferred alternative is provided in FEIS Summary Section S.10 – Agency Preferences and Decision to be Made (pg. S-26). In areas where submarine route alternatives are within the ACWR, installation of submarine cables will be horizontal directionally drilled under the vegetated tidal flats, and project facilities will be constructed and be consistent with the requirements of the Anchorage Coastal Management Plan as specified in the DEIS on pgs. 3-129 – 3-130. Submarine transition stations will be located inland, outside of the ACWR.

Project team members met with the IBBST in 1999 to discuss potential impacts to brown bears (pg. 3-61), and the DEIS acknowledges that the Enstar Route could result in increased defense of life and property deaths (pg. 3-68).

As noted in DEIS pgs. 3-65 – 3-66, segments of the route where potential for bird collision is high would be marked. This has proven to be effective in reducing bird mortality. In addition, construction on Links E9 and E10 would occur parallel to the pipeline on the hillside east of the flats and would not occur during nesting season. As illustrated in the mitigation plan, tower heights would be reduced to 70 feet in this area along the Enstar Route. Also refer to Section 2.2.6 (pgs. 2-18 to 2-19) and Section 2.2.8 (pgs. 2-32 to 2-34) of Chapter 2 in the FEIS for updated information on brown bears and avian collision mitigation.

9B Temporary ice or man-made snow bridges will be adequate for construction and maintenance activities; permanent bridges would not be used as they would result in increased access and potential impacts on streams. See DEIS Section 3.5.5, Freshwater Environment, Environmental Consequences and Mitigation, Anadromous Fish (pg. 3-100). See also Table 3-2, Impacts and Mitigations Common to Most Alternative Routes (pg. 3-15), and the Mitigation Plan in FEIS Volume II.

9C

The DEIS also states that snow or ice could be made on site to protect vegetation (page 3-41). Winter flows on most waterways within both route corridors are minimal. It is unlikely that large amounts of water will be available for withdrawal and use for ice roads. The use of water from any fish-bearing stream would require authorization from the ADF&G.

9D

Section 3.4.6 of the DEIS also discusses horizontal directional drilling (HDD) to avoid impacts to the bluff slopes, salt marshes and vegetated intertidal areas within the Anchorage Coastal Wildlife Refuge (ACWR). Figures B-22 through B-24 and Figure MV1B depict the approximate location of the HDD and trenching proposed. The shore-tail will be located within the boundaries of the ACWR and will require a Special Area Permit from the ADF&G. ADF&G recommends that the HDD be lengthened to place the shore-tail as far from shore as possible. In general, refuge habitat values decrease the further offshore from the vegetated tidelands. However, at low tidal stages the mud flats are utilized by shorebirds, including sandhill cranes. The shore-tail work should be planned to be conducted during the period from October 15 through April 1.

9E

The Alaska State Division of Parks and Outdoor Recreation (DOPOR) has outlined concerns and comments below that would preliminarily address potential ACMP consistency issues.

There are three state parks that are listed as being affected by the creation of the intertie transmission line: Funny River State Recreation Site, Bings Landing State Recreation Site (SRS) and Captain Cook State Recreation Area (SRA). The DEIS correctly states (Table 4-7, page 4-27) that a Special Park Use Permit will need to be obtained through DOPOR prior to any work within a state park.

Funny River and Bings Landing SRS would be minimally affected by the Enstar Route, having only a small, glancing visual impact on the park users who are already impacted by residences and several residential power lines in the area.

Captain Cook SRA would be subject to impacts on several levels should the Tesoro Route be selected. The DEIS correctly describes the process that will need to take place for the route to travel through the park. In 1971 and 1980 Federal Land and Water Conservation Funds (LWCF) were used to develop the majority of the facilities for the park (roads, campgrounds, boat launches, latrines, etc.). Federal LWCF laws stipulate as part of the conditions for eligibility for LWCF funding that no aboveground power lines be constructed in LWCF areas. The DEIS correctly states that in order for the power line to proceed through the park the line will have to be buried. This will still require working with DOPOR and National Park Service LWCF staff in resolving how the value of the land conversion from a recreational to a non-recreational use will be resolved.

If the transmission line is located along the Tesoro route near or under the Kenai Spur Highway, summertime line construction, as the DEIS 2.50 states, will impact users of the park, limiting or preventing access to park facilities for the duration of the construction. Detours and closures will displace assorted types of recreation including picnicking, swimming, boating, fishing and

9C If snow conditions are insufficient to create a winter cover over the frozen ground to reduce impacts to wetland vegetation, snow and/or ice would not be made using water from area streams, rather it would be obtained off site and transported to the Project site. In the case of a warm winter where frozen conditions are insufficient to mitigate impacts to aquatic resources, construction would be postponed until appropriate conditions exist.

9D It is acknowledged that a special area permit will be required from ADF&G in this area and the HDD will be located in a manner to avoid disturbance to vegetated tidelands. See the Mitigation Plan in Volume II of the FEIS. Submarine cable construction must occur when the Turnagain Arm is free of ice. Construction of the HDD under the bluff and vegetated intertidal area will occur during the period between the ice melting off the Arm in the spring and the end of August. Installation of the submarine cable across the Turnagain Arm would occur during the months of July and August per direction of NMFS in order to reduce conflicts with beluga whales.

9E Comments noted. As presented in Volume II of the DEIS, Appendix B, Table B-6, underground construction through Captain Cook State Recreation Area (CCSRA) during the summer season includes the months of April to October. During this period the Applicant intends to construct during early spring or late fall to avoid conflicts with recreational use in the CCSRA, and will work directly with DOPOR in this regard.

Underground cables are proposed to be installed in the CCSRA along the Kenai Spur Road during the summer season (DEIS page 2-50) because the cross-linked polyethylene cable and accessories (splices and terminators) become stiff in the winter and more difficult to handle and install. Winter construction would impose additional requirements and costs on the construction process. For example (1) the adding of an antifreeze component to the concrete or slurry casing fill to prevent the slurry from freezing before it is pumped into the casing, (2) temporary heating of buildings or tents for cable reel staging to allow the cable temperature to rise to minimum installation temperature, (3) temporary HVAC equipment for use at the concrete vaults for cable splicing, and (4) more expensive excavation due to the frozen ground. Also, difficulty with backfilling and compaction due to the frozen material would be expected.

- 9E camping. Wintertime construction would have much less impact on the park users, and is recommended. Wintertime uses are limited to snowmachine park use, snowmachine access to Gray Cliffs properties, ice skating, and ice fishing on Stormy Lake.
- 9F The Tesoro route has high potential to disturb known or potential archaeological sites. The Swanson River and Bishop Creek are both known locations of Denai'na Indian cultural sites and perhaps earlier settlements. Any route through the park will need to be reviewed by the Alaska State Office of History and Archaeology for sensitive sites.
- 9G Although the DEIS shows that DOPOR would oppose any land conversion for the Tesoro Route in regards to the LWCF requirements (Table 4-1, page 4-3), it also is willing to reconsider its position to prevent further impacts on the Kenai National Wildlife Refuge (KNWR). DOPOR considers that the impacts that the Tesoro Route would have to Captain Cook SRA are less critical than the cumulative impacts resulting from the Enstar Route upon the KNWR.
- The correct address for DOPOR is 550 West 7th Avenue, Suite 1380, Anchorage, AK 99501-3561. Please correct this in the DEIS table 4-7, page 4-26.
- 9H The DNR Division of Mining Land and Water (DMLW) provided comments on the COE public notice Turnagain Arm 45. Based on the information provided in that public notice, it is not possible to ascertain the exact status of all land involved. However, it appears likely that authorization(s) would be required from DNR/DMLW for activities on state-selected and submarine lands. The applicant is advised that DNR/DMLW must authorize activities on state-owned land, including land below the ordinary high water line of navigable streams, rivers and lakes, and below the mean high tide line seaward for three miles. The applicants are responsible to ascertain whether their proposed project or activity is located on state land. The applicants should contact the DNR Public Information Center at 550 W. 7th Avenue, Suite 1260; Anchorage AK 99501-3564 or call (907) 269-8400 if assistance is needed to confirm which segments of their proposed project is located on state land.
- COASTAL DISTRICT COMMENTS**
- The Municipality of Anchorage has reviewed the DEIS and provided the following comments.
- 9I It appears that in the environmental assessment of potential impacts from the siting and construction of each of the two main routes within the Municipality, shorebirds were not addressed. Because these intertidal landings include potentially high value shorebird habitats, impacts to this group, especially staging and migrant shorebirds, must be addressed. This would have to include impacts during peak shorebird use, which centers around the periods April 15-June 1 and July 1-September 1. Consistency with the Anchorage Coastal Management Plan, relative to these and other wildlife impacts in these coastal habitats might include additional mitigation measures in the final design.
- 9F Coordination with the Alaska Office of History and Archaeology will occur regarding culturally sensitive areas. The Applicant is aware of the sites near the Swanson River and Bishop Creek. See DEIS Section 3.10, Cultural Resources, specifically 3.10.2, Inventory Results (pg. 3-267) and 3.10.4, Alternatives, Tesoro Route (pg. 3-269). See also Table 1, Measures 6 and 7 in the Mitigation Plan in FEIS Volume II.
- 9G Comments noted regarding DOPOR preference for the Tesoro Route. Address has been corrected as indicated in the FEIS, Chapter 2, Section 2.3 (pg. 2-43).
- 9H Comment noted. State lands were identified in Figure MV-18 in Volume II of the DEIS. Where applicable the Applicant will comply with all authorizations that would be required by DNR/DMLW.
- 9I General impacts of alternatives associated with the Anchorage Coastal Wildlife Refuge, including saltmarsh, waterfowl and shorebirds are discussed in Section 3.5.3 on pages 3-64 through 3-67. Impacts associated with alternatives are discussed in 3.5.4, pages 3-77, 3-79, 3-80, 3-81, and 3-92 to 3-94. Bird species including shorebirds are listed in Table 3-6, pgs. 3-50 – 3-51 of the DEIS and described on pg. 3-53. Impacts to coastal waterfowl and shorebirds are not expected to be significant after mitigation. See DEIS Section 3.5.3, Terrestrial – Wildlife, Environmental Consequences and Mitigation, Wetland Vegetation (pg. 3-40). In these locations, horizontal drilling under the saltmarsh habitats associated with marine crossings would avoid damage to the wetland community. In addition, winter construction on shore near Burnt Island or Pt. Possession would avoid staging and migrating shorebirds. Mitigation measures for salt marsh habitat are also presented in the Mitigation Plan, Volume II of the FEIS.

- 9J The final design and actual location of the electric line within the Municipality will be subject to the outcome of the Conditional Use Approval of this project, per standards of Anchorage's Land Use Code (*AMC 21.50*). Prior to construction, the applicant will be required to obtain Conditional Use Approval for this alignment and design from the Planning and Zoning Commission. Final location, design and construction methods and site restoration may be adjusted as a result of this review. The Conditional Use Approval will also serve as a secondary review for consistency with Anchorage's Coastal Management Plan.
- While the Municipality concurs with the applicant's statements of purpose and need for this line, the environmental and community impacts associated with the Tesoro route's submarine landing and shorter overland connection have always been the Planning Department's favored route. This route was also preferred by the general public, community councils and local members of the Working Group.
- The Kenai Peninsula Borough (KPB) provided the following comments based on its review of the DEIS.
- 9K The applicant's preferred route (Enstar route) may result in minimizing exposure of some KPB residents to electric, magnetic, and noise impacts associated with the transmission line, thereby possibly resulting in reduced health risks.
- 9L There are numerous river and wetlands crossings along the preferred route, which should occur with proper timing, by consistent means. Normally, the Kenai Peninsula Borough Coastal Management policies lead to the recommendation that tracked or wheeled vehicles would not be operated in such waters, and that timing of activities occur when ground is frozen and covered by sufficient snow depth. The KPB offer the following measures in order to assure project consistency with the KPB policies.
- 9M
- 1) According to KPB GIS records, rivers, creeks, and wetlands occur throughout the project area. Some of these are, or contribute to important anadromous streams, including the Kenai River and Funny River. This project shall avoid disturbance to river, creek, and wetlands areas to the greatest extent feasible and prudent. Preferably, (KPBCMP Enforceable Policies 5.4, Habitat Protection);
 - 2) This project will, to the extent feasible and prudent, be conducted in a manner so as to avoid disturbances to fish and wildlife populations, habitats, and harvests. Staff recommends that adherence to seasonal restrictions to reduce potential adverse impacts. Ground vehicle use shall be limited to existing roads whenever possible, other off-road and all-terrain vehicle use within wetlands and riparian areas shall be avoided unless there is sufficient snow depth or ground frost to prevent damage to the vegetation (KPBCMP enforceable policies 5.2 Water Resources, 12.0 Fish and Wildlife Habitat);
 - 3) In order to protect water quality and habitat, which are highly susceptible to petroleum
- 9N
- 9O

- 9J Comment noted. Prior to construction the Applicant will obtain conditional use approval for alignment and design from the Planning and Zoning Commission. It is acknowledged that final location, design and construction methods and site restoration may be adjusted as a result of this review. The Municipality's preference for the Tesoro Route is also noted. See DEIS Summary (pg. S-6), and Section 2.6.2, Environmentally Preferred Alternative (pg. 2-59) for information on the Tesoro Route. Further explanation on RUS's preferred alternative is provided in FEIS Summary Section S.10 – Agency Preferences and Decisions to be Made.

Coordination with the Municipality of Anchorage and the airport authority will determine the exact location of the transition station and underground cable route between Pt. Campbell and the Pt. Woronzof Substation in this area.

- 9K Adverse health and noise impacts are not expected to occur along either the Enstar or Tesoro routes. See DEIS Section 3.11, Electric and Magnetic Fields and Noise (pg. 3-272).
- 9L Comment noted. Construction activities as presented in Volume II of the DEIS, Appendix B, identify the winter season as November to March provided there is sufficient snow cover. If snow conditions are insufficient to create a winter cover over the frozen ground and reduce impacts to wetland vegetation, snow and/or ice would be obtained off site and transported to the Project site. In the case of a warm winter where frozen conditions are insufficient to mitigate impacts to aquatic resources, construction would be postponed until appropriate conditions exist.
- 9M As described in the DEIS, the Project shall avoid disturbance to river, creek, and wetland areas to the greatest extent feasible and prudent. See Section 3.3.2, Water Resources, and Table 3-2, Impacts and Mitigations Common to Most Alternative routes (pg. 3-15). See also Section 3.5.5, Freshwater Environment, Anadromous Fish (pg. 3-100), and the Mitigation Plan in FEIS Volume II.
- 9N As described in the DEIS, the Project will be constructed in a manner to avoid disturbances and adhere to seasonal restrictions. See DEIS Section 2.5.1, Construction Seasons (pg. 2-50). See also Section 3.5.1, Terrestrial – Vegetation, Environmental Consequences and Mitigation (pg. 3-39) through 3.5.5, Freshwater Environment, and the Mitigation Plan in FEIS Volume II.

- 9O contamination, petroleum storage and storage of other hazardous products in conjunction with the project shall be located a minimum of 100 feet from the mean high water line of any river, creek, or wetland, and shall be placed in impermeable bermed basins capable of retaining 110 percent of storage capacity plus 12 inches of free board. (Rationale: KPBCMP Enforceable Policies 13.2 (b) (c), Storage of Petroleum and Petroleum Products, 5.2 (a) Water Resources);
- 9P 4) Without proper precautions, toxic or deleterious substance run-off from spills or leaks may enter critical habitat. Therefore, spill response equipment/supplies shall be stored onsite to handle accidental leaks or spills of oil, gas, or other toxic materials. (Rationale: KPBCMP Enforceable Policies 5.2 (a) Water Resources);
- 9Q 5) Activities shall be conducted in such a way as to avoid harming or disturbing bald eagles or their nest sites in accordance with the Bald Eagle Protection Act (16 USC 668) (KPBCMP 12.9 Bald Eagles and Nest Sites);
- 9R 6) When soils that have become disturbed, or where vegetative mats are damaged or destroyed in uplands, wetlands, or other habitats the applicant and its representatives shall accomplish habitat restoration measures. Any inadvertent bank cuts, slopes, fill or other exposed earthwork attributable to the project shall be immediately stabilized to the greatest extent feasible and prudent, and returned to pre-project contours. (KPBCMP Enforceable Policies 5.4, Habitat Protection);
- 9S 7) All waste generated during the project shall be removed and disposed of appropriately in accordance with existing laws and regulations. This includes, but is not limited to, human waste, trash, garbage, litter, oil drums, petroleum/petroleum products, ashes from burned materials, and discarded equipment. The project location(s) shall be kept clean at all times. (KPBCMP Enforceable Policies 5.4, Habitat Protection, 12.0 Fish and Wildlife Habitat);
- 9T 8) The use and storage of hazardous substances by the permittee and its representatives shall be done in accordance with existing laws and regulations. Hazardous substances must be removed from the project site and properly managed according to existing laws and regulations. Debris (such as soils) contaminated with motor oils, solvents, or other chemicals may be classified as hazardous and shall be recovered from the sited and managed and disposed of in accordance with existing state and federal law (KPBCMP Enforceable Policies 5.2 (a) Water Resources, 5.4, Habitat Protection, 12.0 Fish and Wildlife Habitat, 13.2 Storage of Petroleum and Petroleum Products);
- 9U 9) Sediment and water quality control measures shall be appropriately placed and maintained at all work sites to maintain existing flow patterns, including groundwater flow and prevent the introduction of sediments and other contaminants into surrounding wetlands and other waterbodies (such as in the appropriate use of silt fences and other
- 9O Standards will be complied with for storage of petroleum. See Table 1, Measures 13 and 14 in the Mitigation Plan in FEIS Volume II.
- 9P KPBCMP Enforceable Policies (a) Water Resources will be complied with for the Project. See FEIS Volume II, Mitigation Plan, Table 1, Measures 14 and 18.
- 9Q Provisions of the Bald Eagle Protection Act will be followed. See DEIS Section 3.5.3, Terrestrial – Wildlife, Raptors (pg. 3-54), and General Environmental Consequences and Mitigation for Wildlife, Birds (pg. 3-64). See also the Mitigation Plan in Volume II of the FEIS.
- 9R Disturbance to soils and vegetation will be minimized through mitigation. See DEIS Section 3.5.1, Terrestrial – Vegetation, Environmental Consequences and Mitigation (pg. 3-39). See also standard and selective mitigation measures in the Mitigation Plan in Volume II of the FEIS.
- 9S Laws governing disposal of waste and equipment will be followed. See DEIS Section 2.5.5, Operation Maintenance, and Abandonment (pg. 2-55). See also Table 1, Measures 13, 14, and 17 in the Mitigation Plan in Volume II of the FEIS.
- 9T Laws governing use and storage of hazardous substances will be complied with for the Project. See the Mitigation Plan in Volume II of the FEIS.
- 9U Sediment and water quality control measures will be followed. See DEIS Section 3.3.3, Alternatives, specifically Table 3-2, Impacts and Mitigations Common to Most Alternative Routes (pg. 3-15). See also standard and selective mitigation measures in the Mitigation Plan in Volume II of the FEIS.

measures). (KPBCMP Enforceable Policies 5.2 (a) Water Resources, 5.4, Habitat Protection, 12.0 Fish and Wildlife Habitat).

As an advisory, the following rivers are further protected by a Kenai Peninsula Borough habitat ordinance, certain activities in vicinity of such rivers may require permitting. For information please contact the Kenai River Center at (907) 260-4882.

| | |
|--------------------------|-------------------|
| Anchor River | Fox River |
| Anchor River, North Fork | Kasilof River |
| Bishop Creek | Ninilchik River |
| Bradley River | Seldovia River |
| Chickaloon River | Seven Egg Creek |
| Stariski Creek | Deep Creek |
| Swanson River | English Bay River |

ANILCA COMMENTS

Page 3-143, of the DEIS states,

Construction of the proposed project would widen the existing transportation corridor in the KNWR. Access along the Enstar pipeline may be substantially changed as a result of the construction activities. Historically used campsites may be defoliated, and traditional long-time users may be displaced by new users more tolerant of altered landscapes and increased motorized use. The refuge may experience loss of control over maintaining limited access opportunities along the Enstar pipeline north of the Mystery creek road. **The loss of control could result in significant management problems similar to those associated with oils and gas developments.** (emphasis added)

It is not clear whether the significant management problems referred to are those described in the first part of the paragraph or if there are others specifically related to oil and gas development. To help clarify this issue, we request the Final EIS provide some specific examples of the management problems.

Also on page 3-143 the DEIS states,

KNWR personnel have indicated that clearing of the right of way would, in most cases, result in an increase in snowmachine use along the right of way. Subsequently, **the refuge may close the area**, which is currently open to snow machining. (emphasis added)

This statement, while not necessarily inaccurate, is somewhat misleading to the reader in that it does not provide relevant information related to closure procedures required by ANILCA

9V Refer to the USFWS Compatibility Determination in Appendix A of the FEIS.

9W Refer to the USFWS Compatibility Determination in Appendix A of the FEIS.

9X Although not currently proposed, closure of any area to the use of snow machines on the KNWR would be accomplished in accordance with applicable regulations.

December 5, 2001

implementing regulations 43 CFR 36 (11). An increase in snowmachine use does not lead to a closure except under specific criteria. We request the Final EIS clarify that a federal agency may close an area on a temporary or permanent basis to the use of snowmachines only upon a finding that such use would be detrimental to the resource values of the area and that any permanent closure would also require formal rulemaking with a minimum public comment period of 60 days and a public hearing held in the affected area.

In addition, we have attached a comment letter submitted under a separate cover to the US Fish and Wildlife Service regarding the ANILCA Title XI procedures and the FWS compatibility process.

Due to the circumstances with the U.S. mail in Washington D.C., I am sending you these comments by e-mail per your request with a signed hardcopy to follow. We appreciate the opportunity to comment on the DEIS. Please call or e-mail me if you have questions regarding these comments.

Sincerely,



Don Perrin
Project Review Coordinator

cc: Daniel Bevington, KPBCMP Coordinator, KPB, Soldotna
Thede Tobish, Municipality of Anchorage
Stewart Seaberg, DFG/DHR, Anchorage
Tim Rumpfelt, DEC, Anchorage
Karlee Gaskill, ACMP Coordinator, DNR, Anchorage
Rod Combellick, DNR/GGS, Fairbanks
Stefanie Ludwig, DNR/SHPO, Anchorage
Suzanne Fisler, DNR/SP, Soldotna
Brad Sworts, DOT/PF, Anchorage
Glenda Landua, DFG/DHR, Soldotna
Brian Anderson, USFWS
Jack Hewitt, COE
Dora Gropp, Chugach Electric

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

☐ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317 / FAX: (907) 272-3829
December 5, 2001

George Constantino
U.S. Fish and Wildlife Service
1011 E. Tudor Rd.
Anchorage, Alaska 99503

Dear Mr. Constantino,

The State of Alaska has reviewed the September 2001 Southern Intertie Project Draft Environmental Impact Statement (DEIS) with respect to the compatibility determination. The U.S. Department of Agriculture Rural Utilities Service (RUS), in cooperation with the U.S. Fish and Wildlife Service (FWS) and the U.S. Army Corp of Engineers, has prepared the DEIS to satisfy the requirements of the National Environmental Policy Act (NEPA). The DEIS is necessary, in part, because the Intertie Participants Group has filed for a right of way across the Kenai National Wildlife Refuge to construct a 138kV transmission line and associated facilities between the Soldotna Substation on the Kenai Peninsula and the International Substation in Anchorage. Two action alternatives are examined in the DEIS, one located within the boundaries of the refuge, the other located outside the refuge boundaries.

CONTEXT

The purpose of the DEIS is to identify and evaluate significant issues related to the proposed action. The proposed action will require permits subject to review for consistency with the Alaska Coastal Management Program (ACMP). The Division of Governmental Coordination (DGC) will coordinate a consistency review upon receipt of a signed ACMP consistency certification statement and supporting information, and publication of a public notice. This will occur after the completion of the NEPA process. Pre ACMP review comments will be submitted to the RUS under a separate letter. DGC is also providing a coordinated review of the right of way application provided under Title XI of the Alaska National Interest Lands Conservation Act (ANILCA) in addition to the compatibility determination required by the FWS. This letter identifies concerns and consolidated comments of State of Alaska agencies regarding the ANILCA Title XI application and the FWS compatibility determination for the applicant's proposal.

ANILCA TITLE XI and REFUGE COMPATIBILITY

The DEIS appears to inadvertently misconstrue both ANILCA Title XI Section 1104 and 43 CFR 36. Since the latter implements the provisions of Title XI, our discussion focuses on the procedures specified in 43 CFR 36.7. Specifically, page 1-35 of the DEIS states:

*The ANILCA Title XI process also provides that **applicable law** shall apply with respect to the authorization and administration of transportation or utility systems across conservation units, and **includes a determination of compatibility** with the unit's purposes as one of the criteria an agency must consider when reviewing a right-of-way application. (emphasis added)*

There are two separate procedural routes for reviewing and approving a Title XI application. The first involves

10A Refer to the USFWS Compatibility Determination in Appendix A of the FEIS.

10A

those cases where the managing agency has an applicable law to issue a right of way permit **and** the area is outside the National Wilderness Preservation System. The second is used when an area involved is within designated Wilderness **or** the agency has no applicable law with respect to issuing a right of way permit.

In the case of the applicant's proposal, the route is outside designated Wilderness and the FWS has an applicable law, the National Wildlife Refuge System Administration Act, which contains the necessary authority (Section 4(d)) for the agency to grant a right of way or easement across a refuge and the route. This then triggers 43 CFR 36.7(a) that identifies 9 points the permitting agency shall consider when making its decision, none of which specifically consider compatibility. A determination that the right of way is compatible with the purposes of the refuge is required when the area involved is within designated Wilderness **or** the agency has no applicable law, but this is not the case with the applicant's proposed route.

This is not to say that a Title XI right of way application is not subject to a compatibility determination. Both ANILCA 304(b) and the National Wildlife Refuge System Administration Act Section 4(d) state that any easement granted under that section is subject to a compatibility determination. The point of this comment to clarify that in this case, the compatibility determination is required by ANILCA 304(b) and the FWS compatibility regulations (50 CFR Parts 25, 26, and 29), not by Title XI as implied in the above excerpt.

The FWS Compatibility Policy, 603 FW 2.8 A., allows the Service to alter the compatibility process for applications for transportation and utility systems. This is not mentioned in the refuge compatibility information provided in the DEIS. Articulating this policy, whether exercised or not, in the context of the Title XI right of way application would have allowed the reviewer a more complete understanding of the compatibility process in this instance. As such, the refuge manager may wish to provide some discussion of this policy when issuing the determination.

We appreciate the opportunity to comment on this compatibility determination. Please contact me at (907) 269-7476 or don_perrin@gov.state.ak.us if you have questions concerning these comments.

Sincerely,

Don Perrin
Project Review Coordinator

cc: Patrick Galvin, Director, Division of Governmental Coordination
Frank Rue, Commissioner, Department of Fish and Game
Pat Pourchot, Commissioner, Department of Natural Resources
Joseph Perkins, Commissioner, Department of Transportation and Public Facilities
Michele Brown, Commissioner, Department of Environmental Conservation
Deborah Sedwick, Commissioner, Dept. of Community and Economic Development

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

December 4, 2001

RE: Draft Environmental Impact
Statement Southern Intertie Project

Lawrence R. Wolfe
Senior Environmental Protection Specialist
USDA, Rural Utilities Service
Engineering and Environmental Staff, Room 2240
1400 Independence Ave. SW, Stop 1571
Washington, DC 20250-1571

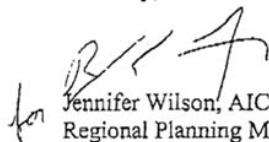
Dear Mr. Wolfe:

The Department of Transportation and Public Facilities (ADOT&PF) has reviewed the Draft Environmental Impact Statement (DEIS) for the Southern Intertie Project. The preferred alternative will impact the South Extension of the Coastal Trail in Anchorage. Project information is available from the project manager at 907/269-0544. The Tesoro alternative has potential to impact a planned extension of the North Kenai Spur Highway from MP 39. Project information is available from the Kenai Peninsula Borough Roads Director at 907/262-4427.

The applicant will have to coordinate with the Department for permits once the exact location and impacts to ADOT&PF facilities have been determined. The Right of Way section can be contacted at 907/269-0700.

Thank you for the opportunity to comment on the DEIS.

Sincerely,


Jennifer Wilson, AICP
Regional Planning Manager

11A Project alternatives will avoid impacts to South Extension of the Coastal Trail by use of either horizontal directional drilling or underground cable. In addition, the lead and cooperating agencies along with the Applicant have held discussions and convened meetings among interested federal, state and local agencies in Anchorage and Kenai Peninsula Borough (March 26 and 27, 2002) to address specific mitigation recommendations associated with these areas. The types, locations and effectiveness of the measures are presented in Volume II of the FEIS. In addition, the Applicant will also continue to coordinate with ADOT & PF. See DEIS Section 4.6.2, Permits (pg. 4-27) for more information on ADOT permitting and construction requirements.

RY/hh

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Habitat and Restoration Division

TONY KNOWLES, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2285
FAX: (907) 267-2464

MEMORANDUM

TO: Don Perrin
Project Review Coordinator
Division of Governmental Coordination
Office of Management and Budget

FROM: Stewart Seaberg *SS*
Habitat Biologist
Region II

DATE: December 3, 2001

SUBJECT: Draft Environmental Impact Statement Comments
Southern Intertie
Turnagain Arm 45; SID No. AK0110-11AA

12A

The Alaska Department of Fish and Game (ADF&G) has reviewed the Draft Environmental Impact Statement (DEIS) for the Southern Intertie project. The DEIS is for an electrical transmission line from the Kenai/Soldotna area to Anchorage. Two alternatives are being considered across the northern Kenai Peninsula: the Tesoro route along the existing Tesoro right-of-way from the Bernice Lake Substation to Point Possession; and the Enstar route (the Applicant's proposed route) along the existing Enstar right-of-way from Soldotna to a location near Burnt Island in Chickaloon Bay. The Tesoro Route generally parallels the northwestern coast of the Kenai Peninsula and is located a short distance inland. The Enstar Route bisects the northeastern portion of the Kenai National Wildlife Refuge. From Point Possession and Burnt Island there are three proposed submarine alternatives that cross Turnagain Arm and come ashore in Anchorage.

The ADF&G considers that the placement of the transmission line along the Enstar Route will have significantly more fish and wildlife impacts than the placement of the line along the Tesoro Route. The ADF&G believes that route segments A and C are the alternative route segments that will have the least impact to fish and wildlife resources. The ADF&G is also concerned that the DEIS does not adequately address potential impacts and permitting requirements for the submarine routes within the Anchorage Coastal Wildlife Refuge.

12A Refer to comment responses 9A through 9D – Alaska DGC letter (12/05/01).

12A
cont.

The development of the Enstar route will likely have detrimental impacts to brown bears. The Interagency Brown Bear Study Team (IBBST) has recommended against the Enstar route due primarily to habitat fragmentation and human access to the developed transmission line corridor. Brown bears require large expanses of unfragmented habitat and the Enstar corridor bisects the seasonal migratory routes of brown bears moving between mountain and lowland habitats. The development of the Enstar transmission line route would likely result in increased human access to the brown bear habitat which may increase the number of brown bears killed in defense of life or property.

Waterbirds will also be impacted by the location of the transmission line in areas adjacent to waterfowl concentration areas, such as the Chickaloon Flats and the Anchorage Coastal Wildlife Refuge. The Enstar route will cross the eastern portion of Chickaloon Flats, which is heavily utilized by waterbirds as a spring and fall staging area as well as a nesting concentration area. Limiting construction activities in the Chickaloon Flats to the period from October 15 through April 1 will mitigate construction impacts, however; waterbirds will be susceptible to an increased frequency of collisions with transmission lines, guy wires, static lines and towers for the life of the project because these structures will be elevated above the surrounding terrain.

The Enstar route has more anadromous fish streams within the corridor when compared with the Tesoro route. The ADF&G recommends that all stream crossings, regardless of route selection, be conducted on permanent bridges placed to accommodate construction traffic and all future traffic by maintenance vehicles or general motorized vehicle use by the public.

The DEIS also states that snow or ice could be made on site to protect vegetation (page 3-41). The use of water from any fish-bearing stream would require authorization from the ADF&G. Winter flows on most waterways within both route corridors is minimal. It is unlikely that large amounts of water will be available for withdrawal and use for ice roads.

Section 3.4.6 of the DEIS also discusses horizontal directional drilling (HDD) to avoid impacts to the bluff slopes, salt marshes and vegetated intertidal areas within the Anchorage Coastal Wildlife Refuge (ACWR). Figures B-22 through B-24 and Figure MV1B depict the approximate location of the HDD and trenching proposed. The shore-tail will be located within the boundaries of the ACWR and will require a Special Area Permit from the ADF&G. We recommend that the HDD be lengthened to place the shore-tail as far from shore as possible. In general, refuge habitat values decrease the further offshore from the vegetated tidelands. However, at low tidal stages the mud flats are utilized by shorebirds, including sandhill cranes. The shore-tail work should be planned to be conducted during the period from October 15 through April 1.

We appreciate the opportunity to comment on this DEIS. Please call if you have any questions.

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|----------------------|-------------------|-------------------|
| cc: T. Rumfelt, ADEC | R. Thompson, ADNR | C. Harmon, CEA |
| L. Wolfe, USDA | T. Tobish, MOA | B. Anderson, FWS |
| R. Sinnott, ADF&G | J. Meehan, ADF&G | A. Rappoport, FWS |